

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK----- X  
WILLIAM B. WESTWOOD,  
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-----  
-----Plaintiff(s),  
-----  
------v-  
-----MEN'S MEDICAL NEW YORK, P.C. and  
LAWRENCE A. SMILEY,  
-----  
-----Defendant(s).  
----- X

KATHERINE B. FORREST, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED NOV 22 2013

13 Civ. 6641 (KBF)

SCHEDULING ORDER

The parties propose the following schedule for this matter:

- Likely  
Resolve  
2 weeks*
1. All parties [**do** ☐ / **do not** ☒] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.<sup>1</sup>
  2. Close of fact discovery: March 17, 2014. [**within 4 months**]
  3. Close of expert discovery: April 11, 2014. [**25 days after the close of fact discovery**]

The parties contemplate experts in this matter for the following subject(s): None for Plaintiff. Defendants: Damages/Computer/Websites/Art/Anatomical Image Costs.

4. [**For F.L.S.A. actions only**] The plaintiff(s) [**do** ☐ / **do not** ☐] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

Proposed briefing schedule:Opening: \_\_\_\_\_ [**30 days after initial conference**]

<sup>1</sup> If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Opp'n: \_\_\_\_\_ [21 days after opening brief]  
Reply: \_\_\_\_\_ [7 days after opposition brief]

5. The parties [do ☒ / do not ☐ ] anticipate making dispositive motions. The contemplated dispositive motion(s) is/are a motion(s) \_\_\_\_\_  
None for Plaintiff. Defendants: No willful infringement/innocent infringement \_\_\_\_\_.

Proposed briefing schedule:

Opening: April 4, 2014 [no later than item 3]  
Opp'n: April 25, 2014 [21 days after opening brief]  
Reply: May 2, 2014 [7 days after opposition brief]

**Last dates to file. Motions may be brought at any time.**

6. Trial [will ☒ / will not ☐ ] be before a jury.

**DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 7-10.**

7. The next status conference in this matter is set for 6/14/14  
at 1:30 PM
8. All pretrial materials, including the Joint Pretrial Order ("JPTO") are  
due: 6/16/14.
9. The Final Pretrial Conference ("FPTC") in this matter is set for  
6/18/14 at 1:00 PM
10. Trial in this matter shall commence on 6/30/14. Trial is  
anticipated to take 3 (days / weeks).

**Settlement discussions must occur in parallel to this schedule  
(schedule will not be adjourned, except in very unusual situations,  
for settlement discussions).**

SO ORDERED.

Dated: New York, New York  
11/21, 2013

K. B. Forrest  
KATHERINE B. FORREST  
United States District Judge